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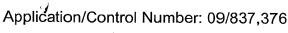


UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,376	04/19/2001	Kuk Hyun Sunwoo	2336-064	7328
759	- 01/20/2002			
LOWE HAUPTMAN GOPSTEIN GILMAN & BERNER, LLP			EXAMINER	
Suite 310 1700 Diagonal Road Alexandria, VA 22314			MEDLEY, PETER M	
		ART UNIT	PAPER NUMBER	
			2834 DATE MAILED: 01/30/2002	7

Please find below and/or attached an Office communication concerning this application or proceeding.

etia.						
	Application No.	Applicant(s)				
Office Action Server	09/837,376	SUNWOO ET AL				
Office Action Summary	Examiner	Art Unit				
	Peter M Medley	2834				
The MAILING DATE of this communication app Period for Reply	ears on the cover sh	eet with the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period vortice in the period of the per	36(a). In no event, however, y within the statutory minimum will apply and will expire SIX (c. cause the application to bec.	may a reply be timely filed n of thirty (30) days will be considered timely. 8) MONTHS from the mailing date of this communication.				
1) Responsive to communication(s) filed on 25 C	October 2001 .					
2a) This action is FINAL . 2b) This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-14</u> is/are pending in the application	i.	and the second s				
4a) Of the above claim(s) <u>1-13</u> is/are withdrawr	from consideration.					
5)☐ Claim(s) is/are allowed.	, 3 97£ .	8.3				
6)⊠ Claim(s) <u>14</u> is/are rejected.	en e					
7)☐ Claim(s) is/are objected to.	· or - diposition	egit (normalisate)				
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers	in the second of					
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the	e drawing(s) be held in	abeyance. See 37 CFR 1.85(a).				
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12)⊠ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the prior application from the International Bur * See the attached detailed Office action for a list of the certified of the certified of the certified of the certified copies of the prior application. 	reau (PCT Rule 17.2	(a)).				
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domesti	visional application h	as been received.				
Attachment(s)	. ,	•••				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3	5) Noti	rview Summary (PTO-413) Paper No(s) ce of Informal Patent Application (PTO-152) er: .				
S Patent and Trademark Office						



Art Unit: 2834

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not indicate an application, i.e. none of the boxes are checked.

Election/Restrictions

2. This application contains claims 1-14 are drawn to an invention nonelected with traverse in Paper No. 6. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

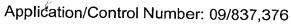
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the second layer is. It will be assumed for the purpose of examination that it is a second electrode layer.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -



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(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the

invention by the applicant for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under

the treaty defined in section 351(a).

Claim 14 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yano et al. See **fig. 1**.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter M Medley whose telephone number is 703-305-0494. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PM January 27, 2002 STRUCTURE PROGRAME.